

United States District Court
Eastern District of Michigan

United States of America

v.

CRAIG ALEO /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 09-20165

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

- ✓ (1) I find that a rebuttable presumption in favor of detention arises under 18 U.S.C. § 3142(e)(3)(E), because there is probable cause to believe that the defendant has committed an offense under 18 U.S.C. § 2251; 2252.
 - for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
 - under 18 U.S.C. § 924(c).

- ✓ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

- ✓ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

- ✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):
 - ✓ (a) nature of the offense - Production of Child Pornography (18 U.S.C. § 2251); Possession of Child Pornography (18 U.S.C. § 2252A).
 - ✓ (b) weight of the evidence - The evidence is extremely strong.
 - ✓ (c) history and characteristics of the defendant -
 - ✓ 1) physical and mental condition - Multiple health issues, and probable mental health difficulties (under evaluation.)
 - ✓ 2) employment, financial, family ties - Retired; substantial assets; has family ties.
 - ✓ 3) criminal history and record of appearance - No convictions; currently charged in New York with Transportation of Child Pornography.
 - (d) probation, parole or bond at time of the alleged offense -
 - ✓ (e) danger to another person or community - There is strong evidence that defendant enticed his five year old granddaughter to pose for pornographic pictures in defendant's home. A search recovered two computers, two cameras and 40-50 CD's. Both defendant and his granddaughter are depicted in the evidence seized. The prospect of conviction is great and COUNT ONE carries a mandatory minimum sentence of 15 years in confinement. Defendant is 63 years old and in delicate health. He has substantial assets and a strong motivation to abscond. Pretrial Services recommends detention. I agree.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Donald A. Scheer*Signature of Judge*Donald A. Scheer, United States Magistrate Judge*Name and Title of Judge*

Date: April 16, 2009